

Application No. 10/614,715
Amendment dated January 31, 2005
Reply to Office Action of October 29, 2004

REMARKS

This amendment is submitted in response to the Office Action mailed October 29, 2004. Claims 1-30 remain pending in the application prior to this amendment, and claims 1-11, 13, 14, 19-22, 24, 25, 27 and 28 stand rejected. Claims 12, 15 and 26 were objected to for depending from rejected base claims but were indicated to contain allowable subject matter. Claims 16-18, 23, 29 and 30 were withdrawn from consideration in view of a Restriction Requirement. Claims 4, 7, 12, 15, 19 and 26 have been amended herein, and claims 1-3 have been cancelled without prejudice. Applicants assert that the pending claims are now in complete condition for allowance and respectfully request reconsideration in view of the following remarks.

Restriction Requirement

Claims 16-18, 23, 29 and 30 were withdrawn from consideration in view of Applicant's election of Species D for examination, as set forth in the Reply filed October 7, 2004. Applicants identified claims 1-5, 7, 8, 19-21, and 23-26 as generic claims in the Reply. Applicants note that claim 26 has now been indicated to contain allowable subject matter. Claim 26 has been rewritten in independent form herein to overcome the objection to this claim. Accordingly, Applicants respectfully request that the withdrawn claims now be examined. (See MPEP §§ 809.02(b) and (e).)

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Claims Rejected Under 35 U.S.C. § 102

Claims 1-11, 13, 14, 19, 21, 22, 24, 25, 27 and 28 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,107,654 to Leonardis.

Claims 1-3 have been cancelled herein, without prejudice. Claim 4 has been rewritten in independent form and claims 7 and 19 have been amended to depend from independent claim 4. Claims 4 and 21 are now the only independent claims of this rejected group. Applicants respectfully traverse the rejections of claims 4 and 21 because Leonardis does not teach or suggest each and every element of these claims. Specifically, Leonardis does not teach or suggest "detents projecting inwardly from the walls," as recited in claim 4, or "detents configured to extend inwardly from the walls," as recited in claim 21 (emphasis added). Rather, the upper parts 11, 12 of the slots of the device of Leonardis, identified by the Examiner, extend in a circumferential direction along the walls thereof and not inwardly from the walls as required by claims 4 and 21. For at least these reasons, Applicants respectfully request that the rejections of claims 4 and 21 over Leonardis be withdrawn.

Claims 5-11, 13, 14 and 19 each depend from independent claim 4, and claims 22, 24, 25, 27 and 28 each depend from independent claim 21. Accordingly, these claims are in condition for allowance for at least the reasons stated above for independent claims 4 and 21, and Applicants respectfully request that the rejections of these claims over Leonardis be withdrawn.

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Claims Rejected Under 35 U.S.C. § 103

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Leonardis in view of U.S. Patent No. 3,693,310 to Middleton. Claim 20 depends from independent claim 4, and therefore includes each and every feature recited in claim 4. Applicants respectfully traverse the rejection of claim 20 over Leonardis in view of Middleton, because Leonardis does not teach or suggest each and every element of claim 20, and Middleton fails to cure this deficiency. Specifically, Leonardis does not teach or suggest "detents projecting inwardly from the walls," as discussed above with respect to claim 4. Middleton does not teach or suggest a modification of Leonardis that cures this deficiency. Specifically, Middleton shows inwardly projecting portions 31, 32, 33 and 34 provided on upper portions of vertical arms 23, 24, 25 and 26. If the side stays 5 of Leonardis were extended vertically upwardly to provide inwardly extending detents, as shown in Middleton, the stays 5 would extend over the slots 7, 8, 9, 10 of Leonardis and thereby create obstructions that prevent steel rods from being placed within the slots, as intended by Leonardis. For at least these reasons, Applicants respectfully request that the rejection of claim 20 over Leonardis in view of Middleton be withdrawn.

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Allowable Subject Matter

Claims 12, 15 and 26 were objected to for depending from rejected base claims, but were indicated to be allowable if rewritten in independent form. Claims 12, 15 and 26 have been rewritten in independent form herein. Accordingly, Applicants respectfully request that the rejections to claims 12, 15 and 26 be withdrawn.

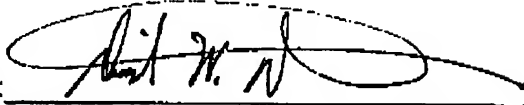
In view of the foregoing amendments to the claims and remarks given herein, Applicants respectfully believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any detailed language of the claims requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicants are of the opinion that an additional fee of \$ 176.00 is due as a result of this amendment. Please charge the amount of \$176.00 to Deposit Account No. 23-3000. If any additional charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

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Respectfully submitted,

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